THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 8295 of 2005

DATED : 22..09..2005.

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BETWEEN:

Mahboob Ali, S/o. Khaleel ur Rahman,

Muslim, aged about 38 years,

R/o. Ahmed Nagar, Shamshabad,

Rangareddy District.

…Petitioner

And

1. Superintendent of Police, Mahbub Nagar District,

having office at S.P.Office Campus,

Mahbub Nagar Town, Mahbub Nagar District and

Another

…Respondents

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 8295 of 2005

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ORDER:

Seeking a writ of Mandamus declaring that the police is legally bound to take up investigation on receipt of a complaint from the petitioner as per the provisions of Section 173 of Criminal Procedure Code and file charge sheet against the culprits,

the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2nd respondent filed a detailed counter stating that on 15-02-2005 at about 11.00a.m., the petitioner lodged a written complaint and the same was registered as a case in Cr.No.41 of 2005 under Section 174 of the Criminal Procedure Code. The sub-inspector of police, who is the Investigating Officer examined the complainant and the blood relations of the deceased. The dead body was subjected to post-mortem examination. Thereafter, the case dairy has been transferred to Kolhapur police station, the second respondent herein as the offence occurred at Kolhapur. After receipt of medical opinion, the section of law was altered from 174 Cr.P.C. to Sections 302, and 498-A of Indian Penal Code r/w 34 I.P.C. on 01-05-2005 and the concerned Investigating Officer took up further investigation. Two accused were arrested and sent them to court for judicial custody and three more accused are to be apprehended and after completion of the investigation, they will file appropriate charge sheet before the competent court. Therefore, there is no inaction on the part of the police in not conducting the investigation.

In view of the statement made by the respondent in the counter-affidavit that though the F.I.R. has been registered under Section 174 of Criminal Procedure Code, the same has been altered into Sections 302 and 498-A of I.P.C. r/w Section 34 of I.P.C. and during the course of investigation, two of the accused have been arrested and the investigation is going on, I am of the considered opinion that no orders need be passed in this writ petition.

Therefore, the writ petition is closed. No costs.

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K.C.BHANU, J.

Dated: 22-04-2005.

rns